



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

McLAUGHLIN et al

Atty. Ref.: 4132-5

Appl. No. 10/530,862

TC/A.U. Unassigned

Filed: April 11, 2005

Examiner: Unassigned

For: A SUPPORT APPARATUS

* * * * *

October 16, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RENEWED PETITION UNDER 37 CFR §1.47(a)

This is in response to the Decision mailed June 14, 2006, dismissing Applicants' Petition filed March 13, 2006 on the ground that Items (2) and (4) identified in the first paragraph of the Discussion have not been satisfied. Reconsideration is respectfully requested.

With regard to Item (2) it is stated on page 2 of the Decision that Applicants have not furnished evidence of receipt of the complete copy of the application papers, including the application to be filed (i.e., specification, drawings and claims), by the non-signing inventor. The paragraph goes on to further state that a Declaration Under 37 CFR 1.63 requires that the applicants have "reviewed and understand the contents" of the U.S. non-provisional application submitted.

In response, a Declaration executed by the inventors except for the refusing inventor, Neil Bernard McLaughlin, is submitted herewith. In addition, a further Declaration by Ian Robert Tannahill is submitted herewith indicating that Mr. Tannahill wrote to Mr. McLaughlin on August 7, 2006 requesting that he sign a Declaration and

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Legal Staff
International Division

1FW

Deed of Assignment for the present U.S. Application Serial No. 10/530,862 which were enclosed with that letter. The letter was sent to Mr. McLaughlin by registered mail, and the Tannahill Declaration is accompanied by a copy of the receipt showing that the letter was delivered. Mr. Tannahill further states that he enclosed with his letter to Neil McLaughlin a copy of US Application Serial No. 10/530,862 including a copy of the patent specification, and that in his letter, he asked Mr. McLaughlin if he would sign the Declaration and Deed of Assignment and return both documents to Mr. Tannahill by August 9, 2006. Mr. Tannahill further states that as of the date of signing the attached Declaration on August 30, 2006, the executed Patent Application, Declaration and Assignment had not been received from Mr. McLaughlin.

Referring to Item (4) the Decision states that the Declaration fails to comply with the rules and that the Declaration presented has the information for Mr. McLaughlin crossed-through. It is believed that the newly executed Declaration attached herewith obviates this objection.


With the attachments and executed Declaration evidence attached hereto, it is believed that Items (2) and (4) are now satisfied. Grant of the present Petition is accordingly respectfully requested.

Authority is hereby given to charge any deficiency to our Account No. 14-1140.
Grant of the Petition is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lfm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

In re Patent Application of

Atty 4132-5

Dkt.

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McLAUGHLIN et al

C# M#

Serial No. 10/530,862

EC/A.U.

Unassigned

Filed: April 11, 2005

Examiner: Unassigned

Title: A SUPPORT APPARATUS

Date: October 16, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 31 minus highest number
previously paid for 31 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$ 0.00

Independent claims after amendment 7 minus highest number
previously paid for 7 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$ 0.00

If proper multiple dependent claims now added for first time, (ignore improper); add

\$360.00 (1203)/\$180.00 (2203) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)

Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$ 450.00

Terminal disclaimer enclosed, add

\$130.00 (1814)/\$65.00 (2814) \$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE ENCLOSED \$ 450.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
LCM:lfm

NIXON & VANDERHYTE P.C.
By Atty: Leonard C. Mitchard, Reg. No. 29,009

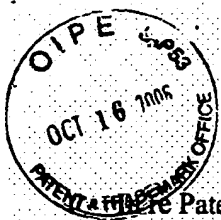
Signature: 

10/17/2006 SZEVDIE1 00000142 10530862

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Here Patent Application of

Atty. Ref.: 4132-5; Confirmation No. 2257

Appl. No. 10/530,862

TC/A.U. Unassigned

Filed: April 11, 2005

Examiner: Unassigned

For: A SUPPORT APPARATUS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

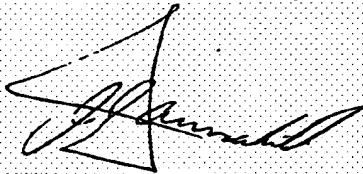
DECLARATION

I, Ian Robert Tannahill, hereby declare and state that:

1. I reside at 18 Parkleigh Street, Everton Hills, Queensland 4053, Australia.
2. I am a registered patent and trade mark attorney in the employ of Ahearn Fox.
3. I act on behalf of Standfast Enterprises Limited and have conduct of their files.
4. I wrote a letter to Neil McLaughlin on 7 August 2006 requesting that he sign a Declaration and Deed of Assignment for US Patent Application No. 10/530,862 that were enclosed with said letter. This letter was sent to Neil McLaughlin by registered mail, (copy of receipt confirming that the letter was received is attached as Exhibit 1).
5. I also enclosed with my letter to Neil McLaughlin a copy of US Patent Application No. 10/530,862 including a copy of the patent specification.
6. In my letter I asked Neil McLaughlin if he would sign the Declaration and Deed of Assignment and return both documents to me by 9 August 2006.

7. As at the date of signing the present declaration, the executed patent application declaration and Assignment have not been received from Neil McLaughlin.

I declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



.....
Ian Robert Tannahill

.....
AUGUST 30, 2006

Date

Attachments: Exhibit 1

EXHIBIT 1

A handwritten signature in black ink, appearing to read 'Ian Robert Tannahill', written over a horizontal dotted line.

Ian Robert Tannahill

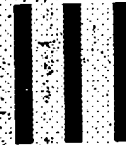
AUGUST 30, 2006

Date



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09 AUG 2006

OFFICIAL MAIL



Return to:

AHEARN FOX
GPO Box 1149
BRISBANE QLD

BY: _____

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Registered Post



Delivery Confirmation - Advice Receipt

Registered Post No RL40238417	Sender's Reference
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Receipt is acknowledged of the Registered Post item, the number of which appears above.



Signature of Addressee* or Agent

[Handwritten signature]

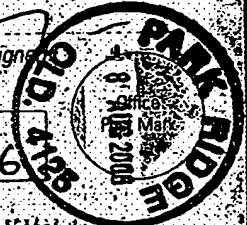
*Registered Post articles sent **Person to Person** must be signed by the **addressee only**

Signature of Delivery Officer

[Handwritten signature]

Date delivered

8 / 8 / 06



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